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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Minkow et al.  
 Appl. No. : 09/878,719  
 Filed : June 11, 2001  
 For : BICYCLE SADDLE WITH CUT  
 OUT  
 Examiner : Anthony D. Barfield  
 Group Art Unit : 3636

## CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

10/13/06  
 (Date)  
 Edward A. Schlatter, Reg. No. 32,297

DECLARATION OF CARL BIRD

I, CARL BIRD residing at 375 St. Andrews, Aptos CA 95003, have been working with bicycle saddles and related technologies for approximately 4 years. Currently, I am employed as a/an Product Manager by Specialized Bicycle Components, Morgan Hill CA, where I have worked since June 1990. I am/was a employee of the record assignee for U.S. Application 09/878,719.

As a result of my extensive experience in the field, I have knowledge regarding various aspects of bicycle saddle designs. I am also very knowledgeable of how the technology related to bicycle saddles has evolved during the past 10 years.

I have carefully reviewed the specification and the figures, including the two currently amended pending claims (Claim Nos. 25 and 26), of U.S. Patent Application No. 09/878,719, filed June 11, 2001 and published as U.S. Publication No. 2002/0003364. It is my understanding that after amendment the claims will read as follows:

*Claim 25. An ergonomic bicycle saddle, comprising:*

*a rigid frame defining a front end, a back end, a front half, a back half, a first outer side and a second outer side, said frame defining a first support surface at said front end of said saddle extending from said first outer side to said second outer side and generally widening from front to back;*

*a resilient padding layer disposed on top of said frame and having a front end, a back end, a front half, a back half, a first outer side and a second outer side, said padding layer being continuous from said first outer side to said second outer side at said front end of said padding layer, and defining an upper surface;*

*a central groove at least partially defined by inwardly facing sides of said resilient material which are beveled outward toward said upper surface, said*

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*groove extending to form a scrotum channel positioned roughly in the longitudinal center of said saddle, said groove having a leading edge defined by said resilient material, said groove narrowing as said groove extends toward said scrotum channel along a longitudinal axis from approximately said back end of said frame; and*

*said leading edge of said groove extending forward to about longitudinally midway through said front half of said padding layer; and*

*wherein said groove provides an open space for relieving pressure on the pudendal arteries.*

*Claim 26. An ergonomic bicycle seat, comprising:*

*a rigid frame defining a front end, a back end, a front half, a back half, a first outer side and a second outer side, said frame defining a first support surface at said front end of said seat extending from said first outer side to said second outer side and generally widening from front to back;*

*a resilient padding layer disposed on top of said frame and having a front end, a back end, a front half, a back half, a first outer side and a second outer side, said padding layer being continuous from said first outer side to said second outer side at said front end of said padding layer, and defining an upper surface;*

*a central groove at least partially defined by inwardly facing sides of said resilient material which are beveled outward toward said upper surface, said groove extending to form a scrotum channel positioned roughly in the longitudinal center of said seat, said groove having a leading edge defined by said resilient material, said groove narrowing as said groove extends toward said scrotum channel along a longitudinal axis from approximately said back end of said frame; and*

*wherein said groove is approximately one inch wide at a location midway between said front end and said back end of said frame.*

The subject matter claimed is described in the specification of U.S. Patent Application No. 09/878,719 in such a way as to enable me or another person skilled in the art reading the application to have understood, made and used the claimed bicycle saddle. Based on the information disclosed in the specification and figures of the filed application and from what was well-known in the bicycle saddle art, I would have been able to make and use the bicycle saddles claimed in Claim Nos. 25 and 26 without undue or unreasonable experimentation. Certainly, this would have been true as of October 14, 1998, the filing date of the initial utility application to which the subject application claims priority.

I believe that the applicants were in possession of the claimed invention at least as early as October 14, 1998. The applicants adequately described the claimed inventions with all their limitations using descriptive means, including both words and figures. The

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applicants possessed the bicycle saddle inventions claimed in Claim No. 25 and 26 because the disclosure, namely the specification and figures, showed that these inventions were complete. The specification and the figures adequately described the distinguishing identifying characteristics of the bicycle saddle, including the length, width, orientation and other characteristics of the groove.

For example, at Paragraph [0019] the specification recites, "The configuration of groove 15 is designed to match the anatomy of the ischial tuberosities of the pelvis in an anatomically correct way to relieve pressure on the pudendal arteries ... A notch is defined as a V-shaped cut that begins at the rear of the seat and narrows as it extends towards the front of seat 10." Further, in the same paragraph, the specification states, "For example, groove 15 measures approximately 2\_ inches wide at its rear, extends up to 10" into seat 10..." The specification also recites, "The distance between the ischial tuberosities of an adult varies between approximately 2 inches to 4\_ inches" (see Paragraph [0027]).

In addition, Figure 4 of the subject application clearly shows the relationship between the saddle, the groove and the adjacent portions of the human anatomy, including the ischial tuberosities, pudendal arteries, the scrotum, etc. Further, all the figures in the application consistently show the longitudinal extent and general geometry of the groove relative to the saddle.

Consequently, from the description and the figures in the application, the desired relationship between the bicyclist's body and the saddle, when the saddle is being ridden, was apparent. Thus, I would have understood that the groove extends forward to about longitudinally midway through the front half of the padding layer such that the groove provides an open space for relieving pressure on the pudendal arteries. Certainly, I would have been able to understand this had I read the application on October 14, 1998. Moreover, as of the same date, I would have been able to make and use the saddle with the groove as described in the application. Consequently, all elements and limitations in the pending claims were clearly disclosed in the as-filed application.

In addition, it was generally known to me and others working in the bicycle saddle field that bicycle saddles were approximately between 10 inches and 13 inches in length. Thus, even were the disclosure not otherwise sufficient, at the upper limit of both

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the groove length and the saddle length, 10 inches and 13 inches, respectively, I would have understood that the groove extends forward to about longitudinally midway through the front half of the padding layer.

Moreover, based on reviewing the disclosure, I could have made and used a bicycle saddle having a central groove which is approximately one inch wide at a location midway between the front end and the back end of the rigid frame. Based on the dimensions and general configuration disclosed in the specification and the figures, had I reviewed the application on October 14, 1998, I would have mathematically deduced that the groove is approximately one inch wide at the designated location of the saddle as described in pending Claim No. 26.

I declare that all statements made herein are true and correct, and that all statements made on information and belief are believed to be true. I further declare that all statements made herein were made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of U.S. Patent Application No. 09/878,719 and/or any patent resulting therefrom.

Printed Name: CARL BIRD

Signed: 9-OCT-2006 

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